

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THERE REGULAR MONTHLY MEETING ON TUESDAY, OCTOBER 17<sup>TH</sup>, 2006, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman  
Charles Wagner, Vice-Chairman  
Leland Mitchell  
David Hurt  
Charles Poindexter  
Russ Johnson  
Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator  
Christopher L. Whitlow, Asst. County Administrator  
B. J. Jefferson, County Attorney  
Sharon K. Tudor, CMC, Clerk

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Chairman Wayne Angell called the meeting to order.  
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Invocation was given by Supervisor Charles Wagner.  
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Pledge of Allegiance was led by Supervisor Leland Mitchell.  
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**PUBLIC COMMENT**  
• No one spoke  
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**CONSENT AGENDA**  
**APPROVAL OF ACCOUNTS PAYABLE LISTING, & MINUTES FOR SEPTEMBER 19<sup>TH</sup> & 26<sup>TH</sup>, 2006**  
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**AWARD OF ROLL OFF TRUCK FOR LANDFILL**  
During the March 21<sup>st</sup>, 2006, Board meeting the Board approved a County run Roll-Off Program with operational costs of \$47,262 and ongoing costs of \$24,300, totaling \$71,562, compared to the present program of \$93,176. The first year of the program \$187,000 is in new capital money.

The Board directed staff to implement the roll off program and authorized staff to solicit bids for the new roll-off truck during their March 30<sup>th</sup>, 2006 meeting.

Staff solicited bids (advertising dates submitted) and received bids from three (3) vendors on ***Monday, September 18<sup>th</sup>, 2006 @ 3:00 P.M.*** The breakdown of the bids received are as follows:

VENDOR	BASIC BID	BUY BACK AMOUNT	BID BOND SUBMITTED	MEETS SPECS
<b><i>* Volvo &amp; GMC Truck Center</i></b>	<b><i>\$126,525.00</i></b>	<b><i>\$55-\$65,000</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>
Volvo & GMC Truck Center	\$129,525.00	\$55-\$65,000	YES	YES
Cavalier Equipment	\$127,695.00	NO BUY BACK	YES	YES
Cavalier Equipment	\$118,775.00	NO BUY BACK	YES	NO
Mid Atlantic Waste Systems	\$129,636.17	\$70,000	YES	NO

Bids received from Cavalier and Mid Atlantic Waste Systems did not meet the specifications (as submitted).

After careful evaluation and speaking with the vendors, staff feels the Volvo & GMC Truck Center bid (***\*\$126,525.00***) certainly meets the bid specifications and will fulfill the Solid Waste Roll Off Program needs. This vehicle is a 2007 Volvo Model Number VHD64B with Galbreath Hoist and a Pioneer Cover All Tarping System.

**RECOMMENDATION:** It is recommended that the Board award the landfill Roll Off Truck bid to ***\*Volvo & GMC Truck Center*** for the 2007 Model Number VHD64B with Galbreath Hoist and a

Pioneer Cover-All Tarping System with a bid of **\$126,525.00**. This truck will be paid for from the Capital Account #3000-036-0004-7001.

**CAVALIER EQUIPMENT  
 BID #2**

CAB	Request: HSS Day Cab W/B Pillar Depression <b>Bid: HX Day Cab- Latest Production</b>
HOOD	Request: Tilt Construction Hood W/integral Fenders, Splash & Spray Control System W/Fender Liners, In-Cab Hood Release <b>Bid: No In-Cab Hood Release</b>
FAN CLUTCH	Request: Viscous Fan Clutch <b>Bid: Horton Drive Master On-Off Fan Drive</b>
EXHAUST SYSTEM	Request: Horizontal Muffler W/Vertical Pipe <b>Bid: Single Cab Mounted RH Vertical Exhaust</b>
FUEL FILTER-SECOND	Request: Spin-On Secondary Fuel Filter <b>Bid: Cartridge Type</b>
AIR COMPRESSOR	Request: 18.7 CFM Compressor <b>Bid: Wabco 15.5 CFM</b>
ENGINE BLOCK HEATER	Request: 120V 2000W Eng Block Heater Receptacle Mounted Left Side Under Drivers Door <b>Bid: 115V 1500 Watt Blocker Heater</b>
BRAKE SIZE, FRONT	Request: 16.5X7 Refuse Brakes <b>Bid: 16.5X6 Qt</b>
BRAKE SIZE, REAR	Request: 16.5X8.6.25 Refuse Brakes <b>Bid: 16.5X7 Qt</b>
SEAT, PASSENGER	Request: Stationary Pass Bench Seat-W/Toolbox <b>Bid: National Fixed Without Toolbox</b>

**MID ATLANTIC BID**

<b>BATTERIES</b>	Request: 3 Main Free 12 Volt 2250 CCA Batteries <b>Bid Received: 3 12 Volt 650/1950 CCA</b>
<b>ENGINES        BLOCK HEATER</b>	Request: 120V 2000W Eng Block Heater Receptacle Mounted Left Side Under Drivers Door <b>Bid Received: 120V 1500W</b>
<b>FRONT AXLE</b>	Request: Set Back 50" FL 941 20,000lb 20,800 lb Frt Springs <b>Bid Received: 18,000lb Frt Springs</b>
<b>REAR AXLE</b>	Request: 46,000 lb Capacity <b>Bid: 44,000 lb</b>
<b>SUSPENSION, REAR</b>	Request: 46,000 lb Independent, 4 Wheel, Fully Articulating, 3 Leaf Type <b>Bid: 44,000 lb</b>
<b>BRAKE SIZE, REAR</b>	Request: 16.5X8.6.25 Refuse Brakes <b>Bid: 16 X 7"</b>

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**AWARD OF SOLICIT AUDIT & CENTRAL SERVICES COST ALLOCATION PLAN**

Staff is seeking authorization to solicit bids for the County Audit with the said proposal to provide Auditing Services and Central Services Cost Allocation Plan Services for fiscal years ending June 30, 2007, 2008 & 2009.

County staff will advertise the submitted Request for Proposal ad in the *Franklin News Post*; Friday, October 20<sup>th</sup> & 27<sup>th</sup>, 2006, editions and in the *Roanoke Times & World News*; Sunday, October 22<sup>nd</sup> & 29<sup>th</sup>, 2006, editions. Proposals will be due back no later than **3:00 P.M., Friday, November 17<sup>th</sup>, 2006**. Staff will bring back a summary of bids and recommendation to the Board for their review and award of the Auditing Services and Central Services Cost Allocation Plan during the *Tuesday, December 19<sup>th</sup>, 2006* meeting.

**RECOMMENDATION:**

Staff respectfully requests Board authorization to solicit bids for the County's Audit Services and Central Services Cost Allocation Plan as presented for fiscal years ending June 30, 2007, 2008 2009.

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**ROCKY MOUNT BUSINESS & PROFESSIONAL WOMEN ORGANIZATION PROCLAMATION**  
*PROCLAMATION*

*FOR NATIONAL BUSINESS WOMEN'S WEEK*

*WHEREAS* working women in Franklin County have worked diligently to increase the status of business and professional women and have been effective locally, statewide, and nationally in promoting a spirit of cooperation through personal development and civic participation; and

*WHEREAS* prominent in the group of jobholders are the many business and professional women who play an increasingly vigorous and meaningful role in our community; and

*WHEREAS* these women are well known to all of us for the way in which they fulfill their multiple roles in society – as workers, as community leaders, as wives and mothers, and as friends; and

*WHEREAS* in tribute to their devotion and good citizenship as well as to their professional and business achievements, the National Federation of Business and Professional Women's Clubs, the oldest and largest professional organization for women, annually observes a week of activities;

*NOW, THEREFORE BE IT RESOLVED*, by the County of Franklin to publicly proclaim October 16 thru October 20 as

***NATIONAL BUSINESS WOMEN'S WEEK***

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**VIRGINIA DAIRY INDUSTRY RESOLUTION OF SUPPORT**  
**RESOLUTION REQUESTING IMMEDIATE ACTION BY THE**  
**COMMONWEALTH TO ADDRESS CRITICAL NEEDS**  
**OF THE VIRGINIA DAIRY INDUSTRY**

**WHEREAS**, Franklin County recognizes the vital part that the dairy industry plays in the state's economy, self image and rural landscape; and

**WHEREAS**, Franklin County, recently the proud home of a flourishing dairy industry, now support only a very few dairy farms; and

**WHEREAS**, Franklin County, since the beginning of 2006 alone, the Commonwealth as a whole has lost approximately 10 percent of her dairy farms; and

**WHEREAS**, the American dairy industry is beset by unrestricted foreign competition, soaring prices for feed and fuel, and low prices for its product; and

**WHEREAS**, eastern states as diverse as Maine, Vermont, Maryland and South Carolina have taken concrete steps to support their dairy farmers, putting Virginia dairymen at a disadvantage; and

**WHEREAS**, Franklin County has taken a strong stand in its commitment to the advancement of agriculture by emphasizing agribusiness I its overall economic development plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Franklin County Board of Supervisors strongly urge the Governor of Virginia to work with the General Assembly, the Department of Agriculture and the federal government to establish programs to provide immediate assistance and support of this vital portion of the Virginia economy, her dairy farmers.

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**(RESOLUTION #01-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above.

MOTION BY: Russ Johnson

SECONDED BY: Hubert Quinn

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**VDOT – LAKE ACCESS PROJECT UPDATE**

Mel Quesenberry, Residency Administrator, VDOT, presented the Board with the following update on the Lake Access Project:

The Memorandum of Agreement (MOA) has been executed and a Notice to Proceed has been sent to the consultant. The Department is in the process of planning a kickoff meeting with consultant team. We have begun discussion about what traffic data is available and what will need to be collected.

Topics of discussion at the kick-off meeting includes:

- \* Description of the scope of the work
- \* Proposed schedule
- \* Man-hours required for each task, stage or element, by each category of personnel
- \* Average hourly rates for each category of personnel with payroll register or similar supporting documentation.
- \* Estimated direct costs
- \* Subconsultant costs
- \* Payroll burden and overhead rates audited in accordance with acceptable practices. Rates should be for a period not older than one year prior to the most recent fiscal year.
- \* Total number of contract drawings anticipated to be required for each individual set of plans
- \* Proposed project or bridge layout sketches
- \* Supporting data for computer/CADD rates

The Residency will update the Franklin County Board of Supervisors after the completion of the VDOT/Michael Baker meeting.

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**EDGEWATER SUBDIVISION RESOLUTIONS**

Mel Quesenberry, VDOT, Resident Engineer, submitted the following resolutions for the Board's consideration:

The Board of Supervisors of \_\_Franklin County, in regular meeting on the \_17th\_day of \_\_\_\_October, 2006, adopted the following:

**Edgewater Subdivision**

**Edgewater Drive, State Route Number: 1175**

**Fro** Rt. 942 - Bluewater Drive

**To:** Rt. 1176 - Lake Edge Drive

A distance of: 0.07 miles.

WHEREAS, the street(s) described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of \_\_\_\_\_Franklin\_\_\_\_\_ County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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The Board of Supervisors of \_\_\_\_\_Franklin\_\_\_\_\_ County, in regular meeting on the \_17th\_ day of \_\_\_\_\_October\_\_\_\_\_, \_2006\_, adopted the following:

#### Edgewater Subdivision

Edgewater Drive, State Route Number: 1175

*Fro* Rt. 1176 - Lake Edge Drive

*To:* Cul-de-Sac

A distance of: 0.10 miles.

WHEREAS, the street(s) described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of \_\_\_\_\_Franklin\_\_\_\_\_ County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

The Board of Supervisors of \_\_\_\_\_Franklin\_\_\_\_\_ County, in regular meeting on the \_17th\_ day of \_\_\_\_\_October\_\_\_\_\_, \_2006\_, adopted the following:

#### Edgewater Subdivision

**Lake Edge Drive, State Route Number: 1176**

*Fro* Rt. 1175 - Edgewater Drive

*To:* Cul-de-Sac

A distance of: 0.67 miles

WHEREAS, the street(s) described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of \_\_\_\_\_Franklin\_\_\_\_\_ County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**(RESOLUTION #02-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Edgewater Subdivision resolutions as presented.

MOTION BY: Charles Poindexter

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**RURAL RUSTIC RESOLUTION/VDOT**

Leo Whiteneck, VDOT, Engineer, presented the following resolutions for the Board's consideration and approval:

**RESOLUTION**

**WHEREAS**, Section §33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 643, Adney Gap Road, From: Route 602, To: 0.50 miles east of Route 602 should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

**RESOLUTION**

**WHEREAS**, Section §33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 903, Horseshoe Point Road, From: Route 934, To: End State Maintenance should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

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**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

## **RESOLUTION**

**WHEREAS**, Section §33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 644, Flint Hill Road, From: Route 122, To: End State Maintenance should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

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**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 952, Indian Cave Road, From: Route 946, To: End State Maintenance should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

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**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 658, Listening Hill Road, From: 0.49 miles south of Route 912, To: End State Maintenance, should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and



**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

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**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 960, Keatts Road, From: Route 890, To: End State Maintenance should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

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**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 728, Leaning Oak Road, From: Route 693, To: 0.50 miles north of Route 693 should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

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**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 970, Wright Road, From: Route 613, To: End State Maintenance should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

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**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 732, Blankenship Road, From: Route 641, To: End of State Maintenance should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

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**WHEREAS**, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

**WHEREAS**, the Board of Supervisors of Franklin County, Virginia ("Board") desires to consider whether Route 783, Endicott Hill Road, From: Route 40, To: End State Maintenance, should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

**(RESOLUTION #03-10-2006)**

**BE IT THEREFORE RESOLVED**, by the Board of Supervisors to approve the aforementioned resolutions for Rural Rustic Program as presented.

MOTION BY: Charles Poindexter  
SECONDED BY: Charles Wagner  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**REVENUE SHARING PROGRAM**

Mel Quesenberry, VDOT, Resident Administrator, shared with the Board the new guidelines for Revenue Sharing. In essence, the Revenue Sharing Program is all but eliminated and unachievable for localities who are not able to have at least \$1M on hand for matching funds with the State.

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**TREASURER’S MONTHLY REPORT**

Ms. Lynda Messenger, Treasurer, presented her monthly Treasurer’s Report.  
Ms. Messenger advised the Board tax tickets were mailed approximately 2½ weeks ago. Real estate assessment this year was \$25,477,327.48 with 37,915 tax tickets. The personal property assessment is \$9,203,449.28 with 33,724 tax tickets. A total of 71,639 tax tickets were sent out for the original assessment for 2006. In the year 2000 we had an assessment on real estate of \$14,589,142.60 for real estate with 38,238 tickets and \$6,302,486.74 assessment for personal property with 29,227 total tickets mailed for personal property. This makes a total of 67,465 tickets for the original assessment for 2000. This is an increase of 4,174 tickets from 2,000 to 2006 and the assessment for real estate is \$10,888,184.88 more and \$2,900,962.54 more in personal property assessed.

Decal sales for regular car decals for 2006 are 48,330 decal sales for regular car decals for 2005 were 47,357 making a difference of 973 more sold this year.

Dog tag sales for 2005 at this time were 17,963.00 and for 2006 was \$21,818.00, making a total of \$3,855 more dog tag sales for 2006.

Total personal property collected since tax tickets went out is \$598,434.37 or 7%

Total real estate collected since tax tickets went out is \$2,441,599.86 or 10.43%

**(RESOLUTION #04-10-2006)**

**BE IT THEREFORE RESOLVED** by the Board to approve the Treasurer’s monthly report as submitted.

MOTION BY: Charles Wagner  
SECONDED BY: Leland Mitchell  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell

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**PIGG RIVER WHITEWATER PARK DESIGN PRESENTATION**

Scott Martin, Director of Commerce and Leisure Services, advised the Board the County was recently awarded \$30,000 by the Virginia Tobacco Commission to complete the conceptual design of a whitewater park at the site of the Pigg River Power Dam. Recreation, Engineering and Planning (Boulder, CO) were retained by the County to complete the in-water design. Their engineers will present the conceptual Pigg River Park design to the Board. REP just wrapped up the building the new US Canoe and Kayak National Team Training Facility outside of Charlotte, NC.

Hill Studio (Roanoke, Va) will be the park design firm. Upon approval of the whitewater park component by the Board, staff will then work with Hill Studio to complete the “land” side of the park design.

Whitewater has been typically located in mountainous regions as it is created and influenced by combining factors such as the velocity or speed of the water, the volume or amount of moving water, the river’s gradient or amount of elevation drop, and obstacles. Many of these factors are available in Southside Virginia at dam locations. Further, whitewater parks and park and play whitewater kayaking facilities are the number one factors behind the growth of paddle sports. Play kayaking is best described as whitewater kayaking where the starting and finishing points are the same site. Most often this type of whitewater paddling involves freestyle of play boating where a kayaker, using a specially designing kayak, performs maneuvers in a hydraulic or wave, commonly referred to as a hole. Whitewater parks can vary in length from the longest (1/2 mile) to the shortest (1 single drop feature) but all meet the same goal, attracting whitewater kayakers to a single destination where they can recreate without the logistics issues involved in a more traditional, point A to point B river trip. Balcony Falls on the James River has a vertical drop of 11 feet per mile. Pigg River through the Power Dam area drops 22 feet per mile. The verticality of this terrain may allow for some unique whitewater options. The proposed design incorporates the dam into a wave creating structure.

### **Power Dam Riverpark Anticipated Use**

- 10,000 whitewater park users per year; five to ten times that amount as park visitors for fishing, wildlife viewing, hiking, and outdoor classroom use. Economic impact for a whitewater park at this location could be \$1-\$2 million per year based on similar sized parks in rural locations.
- Further establish Franklin County as an ideal destination for family oriented activities such as canoeing, kayaking, fishing, and nature viewing.
- A whitewater park may provide a venue for professional and amateur competitive events including the Virginia Commonwealth Games, championship series, and Olympic team trials.
- Kayaking and canoeing are fast growing vigorous activities that attract a wide age group of affluent spectators and participants
- The elevation of the Pigg River, flow regimens, and improving water quality are an ideal combination for athletic training and year-round use.
- A whitewater park would separate Franklin Count from other Virginia destinations. There are no other permanent whitewater park facilities in Virginia. None.
- A whitewater park and river conservation corridor could support interest from special events and convention groups, college students, educators, and national conservation groups.
- Development of complementary conservation features including wetland preservation, waterfowl habitat, and riparian buffers will provide a living outdoor laboratory to demonstrate best management practices to area residents and governments.
- Development of fish passages for the Federally-listed Roanoke log perch will help the species repopulate twenty miles of the Pigg River thus aiding in the recovery of this endangered species thus furthering efforts at delisting.
- Development of a fish passage will increase the durability and resilience of the Roanoke Bass populations along the Pigg River thus improving this valuable sport fishery.
- Removal of the dam will allow for completion of a blueway along the 63-mile length of the Pigg River.
- All improvements will be designed to improve floodwater conveyance or have no impact.
- The Project will be designed to be in accordance with USFWS fish passage goals, Corps of Engineers Floodway Conservation Requirements, and all applicable state, local, and federal regulatory requirements.

Dam removal will generate a series of benefits consistent with Franklin County’s vision for the future:

- Elimination of a failing dam thus helping protect the health and welfare of local Franklin County/Pittsylvania citizens and downstream agricultural interests
- Provide economic opportunity to expand Pigg River blueway recreational development
- Restore aquatic habitat thereby improving the Pigg River’s value as a sport-fishing destination
- Contribute to the recovery of the federally-endangered Roanoke logperch

- Evaluation of the site for use as a fish passage/whitewater park through re-channelization.
- Acquisition and conservation of three adjacent properties for use as a riparian/wetland passive park site featuring whitewater park features, seasonal trout fisheries, hiking trails, interpretive features, and wetland conservation for waterfowl and upland game.

A power point presentation was given by Scott Shipley, Principal Designer, Recreation, Engineering and Planning, Boulder, CO. General discussion ensued. The Board liked the concept as presented.

**RECOMMENDATION:**

Staff requests that the Board review the proposed design. If the design meets with the Board's vision of the project, direct staff to move forward to the park design component and begin the project review process with the necessary regulatory agencies.

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**TODAY IS YOUR DAY CAR SHOW REQUEST**

Scott Martin, Director of Commerce and Leisure Services, shared with the Board a private, special event production company, **Today's Your Day Productions**, requests use of Franklin County Recreation Park for a Classic Car Show on October 29, 2006. This event would be a private event with charged admission. Given the size of the event and its location in a County park, the applicant is required to complete the necessary special event permit. The permit is complete and has been signed off by the Franklin County Sheriff's Office, the Franklin County Building Inspector, and the Virginia Health Department. The applicant understands that in the event of rain, the Franklin County Parks and Recreation Department will make the determination if the event can occur on the turf surfaces in the park.

The applicant's event would be a full-scale classic auto show hoping to attract 800 people as paid attendees. The applicant is seeking to attract 100-150 cars for the show. Admittance to the show would cost \$10.00 pp general admission, \$15.00 per car for the competition. Four concessionaires have been secured. The applicant has contracted with Professional Security of Roanoke to serve as security for the duration of the event. The event promoter holds a \$1,000,000 liability policy through their business insurance.

The applicant has satisfied the requirements of the County's Special Events permit. The completed permit is submitted for the Board's review. A map of the park showing the proposed layout of the event is also submitted. Should the Board of Supervisors permit this event, the Board would then need to set the bonding amount. For a point of reference, the Antique Tractor Power Show is bonded at \$100,000.

This event marks the first, "for-profit" production event proposed in a County park since at least 2001. The current County policy does not speak towards use of the park by for-profit groups. Staff brings this event forward to the Board for direction on how to proceed. An event of this size will generate some economic benefit to the community. The event will also remove a section of a public park for general public use and access.

The park hosts two charged admission events each year, the Franklin County Baseball Post-Season Tournament and the Southwest Virginia Antique Power Equipment Show. Both of these events are run by non-profits with proceeds being directed back into the events and/or investments in the facilities that host them.

**RECOMMENDATION:**

Staff seeks direction from the Board on permitting a for-profit event in a public park. If the Board wishes to approve this event, staff seeks direction on the amount of the performance bond.

**(RESOLUTION #05-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Today Is Your Day Care Show as presented with the setting of the property bond at \$100,000 and that future uses of this nature be subject to updated policies following input and review by the Recreation Commission.

MOTION BY: Charles Poindexter  
SECONDED BY: David Hurt  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**LAKE WATCH PROFFER ACCEPTANCE**

Scott Martin, Director of Commerce & Leisure Services, shared with the Board, Lakewatch Plantation subdivision is a planned community in the Westlake area of Franklin County. Through the planning process, the Lakewatch Master Plan, approved by the County in Fall 2005, dedicated a number of acres within the development for public facilities. The first was a parcel of

land that will be developed by the County for use as a future Fire and EMS station. The second, a site adjacent to the Fire/EMS Station that is reserved for development of a Greenbox site, and the third, a seventeen-acre parcel dedicated for a community park development. This will be the first park site in the North County area designed to accommodate active and organized recreational activities. Franklin County must exercise its option for the fire station and Greenbox parcels prior to November 2006. The County must execute its option of the community park within five years of the original agreement. The developer also proffered public trail corridors throughout the development. This proposal does not address those options, as trails will only be accepted as the developer completes them.

In order to meet the requirement of the proffers, the County must execute its option on the fire station/EMS and Greenbox site prior to November 2006.

Due to the increased development around this area, staff anticipates moving forward with a development plan for the EMS/Fire Station in the 2007 budget. It is anticipated that the Greenbox Site development will run concurrently. Staff also is prepared to begin the master plan process for the park site within the next six months and may be prepared to include initial park infrastructure development efforts in the 2007 budget. In order to maintain continuity in the required due diligence associated with securing these land options, staff requests that the Board consider exercising its option on all three sites concurrently

**RECOMMENDATION:**

Staff recommends that the Board consider authorizing the County Administrator, and his agents, to complete all due diligence necessary to exercising the aforementioned options prior to November 30, 2006.

**(RESOLUTION #06-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to accept the Lake Watch Proffers as presented and to complete all due diligence necessary to exercising the aforementioned options prior to November 20<sup>th</sup>, 2006.

MOTION BY: Russ Johnson

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PENHOOK VILLAGE**

Fred Gumbinner and Sharon Heaton, Managing member, Smith Mountain Holding, LLC, shared with the Board the following list of concerns from the previous September 26<sup>th</sup>, 2006 Board meeting:

***Penhook Village  
List of Concerns from September 26<sup>th</sup> BOS Meeting***

1. What is the meaning of the concept plan
  - proffer 5 removed
2. Architectural:
  - see proffers 7 thru 16
  - adoption of Covenants, Conditions and Restrictions
  - More detailed renderings presented
3. Signage – added staff standard language on signs
4. Heliport easement
  - see proffer 25 – gave Franklin County rights
5. Public road 1 built after 50% of cottage homes receive certificate of occupancy, as requested
6. Special Use Proffer -- Size inconsistencies/Redo chart on coverage ratios – all fixed
7. Tighten language on wetlands conservation easement
  - see proffer 18
8. Management of boat slips
  - see proffer 22
  - included in HOA Covenants, Conditions and Restrictions

**PETITION of Smith Mountain Holdings, LLC, as Petitioner and Owner; other Owners, Rush L. Little and Margaret E. Little, LE, Blizzard Heather Little; Gilbert and Patricia Nelson;** to apply for a Special Use Permit to construct and maintain roads within a RPD, Residential Planned Development District, consisting of +/- 22 acres, concurrent with a rezone request of +/- 481 acres to RPD. The property is currently zoned A-1 Agricultural. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area as Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located off State Route 40 East near Penhook and borders the Pittsylvania County line, in the Union Hall Magisterial District of Franklin County, and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 67, Parcel # 65; 25.1; 25.1A; and 26. (Case # U 06-09-02)

Proffers for Rezone Penhook Village, Smith Mountain Holdings, LLC:

*Substantial Compliance:*

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for Penhook Village dated August 7, 2006 as revised October 17, 2006 prepared by Reynolds-Clark.
2. The property shall maintain a maximum density of less than two (2) units per gross acre of the residential planned unit development.
3. The required open space shall exceed fifty (50) percent of the total gross area of the residential planned unit development.
4. The required developed open space shall exceed five (5) percent of the total gross area of the residential planned unit development. Such developed open space shall be constructed and fully improved at an equivalent or greater rate than the construction of residential structures.

*Utilities:*

5. Proposed new utility lines serving Penhook Village shall be underground.
6. The areas designated on the Concept Plan as undeveloped areas shall be subject to future utility crossings (including primary and reserve septic field drainfield locations), walking (pervious material) trails, bike, jogging, cart trails, and other passive recreational uses.

*Architectural Proffers:*

7. The design of any of the residential and commercial buildings will contribute to the character of Penhook Village by the use of complementing forms and materials to create and maintain architectural continuity within the village area.
8. Materials for residential facades shall consist primarily of natural materials, which may include (but not be limited to) brick, wood, stone, hardiplank, stucco and other low maintenance facades or application of Exterior and Finish Systems (such as Dryvet). Walls will be articulated through the use of window and door openings, belt courses, pilasters and other similar architectural treatments. Vinyl siding may not be used on residential facades facing a road, without explicit written approval from the Franklin County Board of Supervisors.
9. Roofing materials for pitched roofs shall be metal, composite, cedar shake or natural shingle. Flat roofs shall provide architectural improvements or other means to fully screen any roof mounted mechanical equipment. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
10. Architectural detail shall be incorporated to create architectural character. Detail may include highlighting foundations, lintels, dental details on sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
11. Building elevations shall be included with any site plan submission.
12. The minimum square footage for each of the residential units show on the concept plan is as follows:

- |                |                   |
|----------------|-------------------|
| a. Condominium | 1,400 square feet |
|----------------|-------------------|



B. Patio Home	1,600 square feet
c. Carriage/Cottage Home	1,600 square feet
d. Manor Homes	2,000 square feet
e. Estate Homes	2,400 square feet

- 13. No mobile homes, “on frame” modular homes, “double-wide” houses or homes built primarily on a steel frame will be allowed as a residence in Penhook Village.
- 14. Homes will be “stick built”, either onsite or systems built, with design and architecture in conformance with the general architectural design of Penhook Village. All homes shall meet or exceed BOCA standards; no homes built only to HUD standards will be allowed on the property.
- 15. Commercial buildings will relate to the design of the residential homes so as to contribute to the character of Penhook Village and contribute to continuity within the mixed-use village area.
- 16. Vertical metal siding shall be prohibited on any façade facing from any public street.

**Buffering:**

- 17. There shall be a minimum of a twenty-foot (20) shoreline buffer in areas where such currently exists, or established where not in existence. Such buffer shall be measured from the 800-foot contour of Smith Mountain Lake, except that such buffer may contain underground utilities, and/or pervious walking, bike, jogging, and cart trails, and/or other passive recreational uses. In those areas where the multi-use trails are located within the twenty-foot (20) wide buffer; the width shall be expanded to provide a total combined undisturbed buffer area of twenty-foot (20) where portions of the undisturbed area may be located on either side of the multi-use trail. No disturbance below the 800- foot contour is allowed.
- 18. Within 48 months after approval of this zoning petition a conservation easement will be imposed upon significant wetlands, as delineated by the U. S. Army Corps of Engineers, subject however, to the rights for utility crossings, pervious material walking trails, and other passive recreational uses.
- 19. No building shall be constructed within thirty (30) feet of the 800- foot contour of Smith Mountain Lake with the average lake front structures at least sixty (60) feet from the 800-foot contour.

**Signage:**

- 20. A signage plan shall be submitted as a part of any proposal for approval for a site plan. Permanent signage on fences shall be prohibited. Internal directional signage shall not exceed two (2) square feet in area, and three (3) feet in height.

**Home Owners Association:**

- 21. A property owners association shall be responsible for the operations and maintenance of the private roads, water and sewer systems, solid waste management facility, open space and the developed amenities. The association shall have the right to transfer these responsibilities to an appropriate responsible entity.
- 22. The Home Owners Association shall control the allocation of community owned boat slops. Only members of the Home Owners Association and their guests shall have access to these slips. Such rules shall provide that no more than one boat shall have access to one slip during any period. All periods shall be a minimum of ½ day.

**Covenants, Conditions and Restrictions:**

- 23. Developer will adopt a Declaration of covenants, Conditions and Restrictions that are at least as restrictive as the Proposed Declaration of Covenants, Conditions and Restrictions attached hereto as Exhibit A.

**Low Impact Development:**

- 24. Low impact development techniques such as, but not limited to mini bio-retention ponds, rain barrels, pervious berms and pervious swales shall be designed to provide storage and infiltration for runoff volume equal to ½ inch on the aggregate of all impervious areas,

excluding any public rights of way. These facilities may be provided individually on each site or combined at any other appropriate location.

**Donations for Public Welfare:**

- 25. Within 12 months of receipt of rezoning approval, Developer or its assigns will provide an easement to Franklin County and/or Pittsylvania County for use as a helipad to transport persons to appropriate medical facilities contingent upon Franklin County and/or Pittsylvania County placing (within 24 months of the granting of such easement) and maintaining a heliport on the site. If any structures are built, such heliport to be in conformance with the general architectural character of the surrounding structures.
- 26. The value of any donated parcels or easements shall be as agreed to by the parties at the time the County accepts such parcel.
- 27. A construction plan for the walking and multi-use trails as shown on the Concept Plan shall be submitted to and approved by the Franklin County Departments of Planning and Parks and Recreation within three (3) years after approval of the rezoning, as part of the site plan submittal for each phase of development. The width of the trail shall vary depending on the use from a minimum of four (4) foot for a walk trail, to eight (8) foot for a golf cart path. Striping or stamped asphalt shall be provided at all private and public road crossings.
- 28. Through deed restrictions, short term rentals of less than 30 days shall be prohibited in ninety percent of single family and ninety percent of the multi- family residential units.
- 29. When fifty percent of the cottage homes east of the cove of Smith Mountain Lake as depicted in the concept plan have been issued certificates of occupancy public road #1 will be built.

**(RESOLUTION #07-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve BE THE THEREFORE RESOLVED, to approve the special use permit **PETITION of Smith Mountain Holdings, LLC, as Petitioner and Owner; other Owners, Rush L. Little and Margaret E. Little, LE, Blizzard Heather Little; Gilbert and Patricia Nelson** with conditions and it will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base with the following conditions:

MOTION BY: Charles Poindexter  
SECONDED BY: Charles Wagner  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Poindexter, Wagner, Quinn & Angell  
NAYS: Hurt & Johnson  
MOTION BY:  
SECONDED BY:  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell |

[c1]\*\*\*\*\*

**PETITION: Smith Mountain Holdings, LLC, as Petitioner and Owner; other Owners, Rush L. Little and Margaret E. Little, LE, Blizzard Heather Little; Gilbert and Patricia Nelson;** a petition to obtain a Special Use Permit to construct and maintain a water system and central sanitary sewer system with mass drain fields concurrent with a rezone request of approximately 481 acres to RPD, Residential Planned Unit Development District.

**(RESOLUTION #08-10-2006)**

BE THE THEREFORE RESOLVED, to approve the special use permit with conditions and it will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base with the following conditions.

Conditions for Water and Sewer, Penhook Village:

1. The design of any wastewater treatment facility or mass drain field shall comply with all of the requirements as found in the Special Use Permit Standard Guidelines for Subsurface Wastewater Disposal Systems as adopted by the Board of Supervisors of Franklin County except as amended as follows:

II.3 Any reserve drain field area, including the undeveloped open space areas and the golf course areas may be subject to future utility crossings, multi-use trails for walking, biking, jogging, golf cart use, golfing facilities, and other passive recreational uses. These facilities shall be placed so as to ensure that there are no material adverse impacts that would reduce the required reserve areas.

2. The Applicant shall connect to a public utility providing sewage treatment should it become available with the exception of existing residential lots with existing on-site septic systems.

3. Test wells to monitor ground water quality shall be installed under the auspices of Virginia Department of Health, if required.

4. The central sewer system shall only serve sewage generated from the development proposed on tax parcels listed below:

0670002600 – Nelson; 067000205 – Little; 0670002501A – Smith Mountain Holdings; and 06700065 – Smith Mountain Holdings (including the remaining property of the developer not presented as part of this request).

5. The water system shall only serve entities located on tax parcels listed below:

0670002600 – Nelson; 067000250 – Little; 0670002501A – Smith Mountain Holdings; 0670006500 – Smith Mountain Holdings (including the remaining property of the developer not presented as part of this request).

MOTION BY: Charles Poindexter

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Poindexter, Wagner, Quinn & Angell

NAYS: Hurt & Johnson

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**PETITION:** *Smith Mountain Holdings, LLC, as Petitioner and Owner; other Owners, Rush L. Little and Margaret E. Little, LE, Blizzard Heather Little; Gilbert and Patricia Nelson;* a petition to obtain a Special Use Permit to construct and maintain a Green Box Site concurrent with a rezone request of approximately 481 acres to RPD, Residential Planned Unit Development District.

**(RESOLUTION #09-10-2006)**

BE THE THEREFORE RESOLVED, to approve the special use permit with conditions and it will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base with the following conditions.

Conditions for Special Use Permit for green box site, Penhook Village:

1. Adequate fencing shall be installed to control debris and prevent transfer of waste material onto adjacent properties.
2. Screening shall be installed along the outside perimeter of the fence and access road to buffer the use from adjacent properties. Minimum screening shall consist of a double row of evergreen trees at ten (10) foot centers (offset spacing between rows) with six (6) foot minimum height at time of planting. Additional landscaping and screening may be required consistent with the proposed uses and surrounding development.
3. Minimum surface treatment shall be asphalt pavement with concrete under the area where the boxes will be placed and collection vehicles will operate.
4. If the proposed parcel is to be donated to the County, the value of the donated parcel shall be as agreed to by the parties at the time of the transfer.

5. In the event that the proposed parcel is donated to Franklin County and the County wishes to develop the green box site prior to development of the proposed public right of way, the Applicant or its assigns shall grant a temporary access easement subject to such reasonable restrictions as may be agreed to by both parties.
6. The Developer or appointed agent shall discuss the Green Box Site required features which would be acceptable for County ownership and maintenance with the County Solid Waste Supervisor.
7. In the event that Franklin County determines that public use of the Green Box Site would benefit the County system, the Applicant or its assign will convey such site to the County. In the event Franklin County accepts the site for public use, restrictive covenants shall prohibit commercial uses in the development from use the Green Box Site for solid waste disposal.

MOTION BY: Charles Poindexter  
 SECONDED BY: Charles Wagner  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Poindexter, Wagner, Quinn & Angell  
 NAYS: Hurt & Johnson

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**PETITION: Smith Mountain Holdings, LLC, as Petitioner and Owner; other Owners, Rush L. Little and Margaret E. Little, LE, Blizzard Heather Little; Gilbert and Patricia Nelson;** a petition to obtain a Special Use Permit to construct and maintain private roads on +/- 22 acres, concurrent with a rezone request of approximately 481 acres to RPD, Residential Planned Unit Development District.

**(RESOLUTION #10-10-2006)**

BE THE THEREFORE RESOLVED, to approve the special use permit with conditions and it will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base with the following conditions.

Conditions for Special Use Permit for private roads, Penhook Village:

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit requests report and concept plan for "Penhook Village" dated June 5, 2006, amended October 17, 2006, as prepared by Reynolds-Clark.
2. The proposed private roads shall meet the minimum pavement design requirements specified in Virginia Department of Transportation regulations. The final surface coat shall be asphalt pavement.
3. The final surface coat shall be asphalt pavement with maintenance of the private roads provided by an approved Home Owners Association.
4. The Developer shall record a document in the land records of the Clerk of the Circuit Court prior to receiving a Certificate of Occupancy for any dwellings served by the private roads, obligating the Property Owner's Association to pay for upkeep and maintenance of the private roads on a pro-rata basis or other basis as determined.
5. No Certificate of Occupancy shall be issued to any residence served by such private road prior to an initial coat of surface treatment being place on such private road serving the residence. The final asphalt surface coat shall be placed prior to the issuance of a Certificate of Occupancy for 75% of the dwellings to be served by the respective private road.
6. Surety shall be posted with Franklin County for both the public and private roads and shall consistent with VDOT subdivision street requirements.

MOTION BY: Charles Poindexter  
 SECONDED BY: Charles Wagner  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Poindexter, Wagner, Quinn & Angell  
 NAYS: Hurt & Johnson

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**PETITION: Smith Mountain Holdings, LLC, as Petitioner and Owner; other Owners, Rush L. Little and Margaret E. Little, LE, Blizzard Heather Little; Gilbert and Patricia Nelson;** a petition to obtain a Special Use Permit to construct and maintain a Boat/Recreational Vehicle and Mini-Storage Facility concurrent with a rezone request of approximately 481 acres to RPD, Residential Planned Unit Development District.

**(RESOLUTION #11-10-2006)**

BE THE THEREFORE RESOLVED, to approve the special use permit with conditions and it will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base with the following conditions.

Conditions for Special Use Permit for Boat/Recreational Vehicle & Mini-Storage Facility, Penhook Village:

1. The property shall be developed in substantial conformance with the Concept Plan dated June 5, 2006, August 7, 2006, as revised October 17, 2006, and prepared by Reynolds-Clark titled "Penhook Village".
2. The RV storage areas, (which shall include boats), shall be limited to a combined total of 400 units.
3. Use of the storage facilities shall be limited to members/residents of Penhook Village and their guests.
4. Watercraft and associated trailers stored on the property shall have current licenses and/or registrations identified on such watercraft or trailers.
5. The RV and boat storage areas shall be used only for recreational vehicles, watercraft and associated trailers.
6. The Applicant shall submit a landscaping plan with the site plan. Landscaping shall provide a year- round buffer of the boat storage area from all adjacent properties.
7. The Applicant shall prohibit major and petroleum based maintenance and repairs of watercraft, trailer and RV's within the storage areas.
8. Outside storage of vehicles or other personal effects shall be prohibited.
9. A stainless steel finish shall be prohibited on any fence materials.
10. Signage on building walls or fences shall be prohibited. Signage shall be limited to directional style not to exceed two (2) square feet in area and three (3) feet in height. Identification signs shall be monument style not to exceed 32 square feet in area and eight (8) feet in height.
11. Any office space within the storage facility shall be limited to administration and management of the boat, trailer, RV and self- storage units. Nonetheless, RV owners who own property within the development will be permitted to place "For Sale" signs on vehicles.
12. Hours of operation for access shall be limited to 6 am to 9 pm.
13. Yard sale type of activities and/or selling of stored items and/or other retail activities on site shall be prohibited.
14. Fencing shall be installed for security purposes and lighting shall be restricted to the buildings only as needed for safety purposes and shall be building mounted and down lighted.
15. At the time 1/3 of the total housing units have received a Certificate of Occupancy at least 1/3 of the total capacity of the storage facilities shall be completed.

MOTION BY: Charles Poindexter

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Poindexter, Wagner, Quinn & Angell

NAYS: Hurt & Johnson

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***Smith Mountain Holdings, LLC, as Petitioner and Owner; other Owners, Rush L. Little and Margaret E. Little, LE, Blizzard Heather Little; Gilbert and Patricia Nelson;*** a Special Use Permit to construct and maintain a Spa/Health Club Facility and restaurant for commercial use concurrent with a rezone request of approximately 481 acres to RPD, Residential Planned Unit Development District.

**(RESOLUTION #12-10-2006)**

BE THE THEREFORE RESOLVED, to approve the special use permit with conditions and it will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base with the following conditions.

1. Signage on fences shall be prohibited. Directional style signage shall not exceed two (2) square feet in area and three (3) feet in height. Identification signs shall be monument style not to exceed 32 square feet in area and eight (8) feet in height.

MOTION BY: Charles Poindexter

SECONDED BY: Charles Wagner  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Poindexter, Wagner, Quinn & Angell  
NAYS: Hurt & Johnson

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**PENHOOK COVE PETITION WITHDRAWAL**  
**(RESOLUTION #13-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize Penhook Cove petition to be withdrawn from the October 24<sup>th</sup>, 2006 Board agenda.

MOTION BY: Charles Poindexter  
SECONDED BY: Leland Mitchell  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**ALTERNATIVE WASTE WATER SYSTEMS**

Bob Camicia, TLAC Environmental Chairman, shared with the Board, the following resolution for the Board's consideration:

***RESOLUTION REQUESTING CONSIDERATION OF PREPARATION OF A  
DRAFT ORDINANCE FOR MANDATORY ALTERNATIVE WASTEWATER  
TREATMENT SYSTEMS MAINTENANCE***

**WHEREAS**, the Tri-County Lake Administrative Commission's Environmental Committee has been researching individual alternative wastewater treatment systems; and

**WHEREAS**, several individual alternative wastewater treatment systems have been installed in Bedford, Franklin and/or Pittsylvania Counties in the past few years; and

**WHEREAS**, requests for individual alternative wastewater treatment system installations are on the increase; and

**WHEREAS**, the manufacturers of individual alternative wastewater treatment systems generally recommend annual or semi-annual system maintenance by qualified individuals; and

**WHEREAS**, the Committee has found that there are no mandatory maintenance ordinances for these systems currently in place in Bedford, Franklin or Pittsylvania Counties; and

**WHEREAS**, the Committee has determined that an annual mandatory maintenance ordinance for small individual alternative wastewater systems would be beneficial;

**WHEREAS**, professional health personnel from local and state levels have indicated that they believe that an annual maintenance ordinance for individual alternative wastewater treatment systems would prove to be beneficial;

**NOW THEREFORE, BE IT RESOLVED**, that the Tri-County Lake Administrative Commission requests support from the Bedford, Franklin and Pittsylvania County Boards of Supervisors to proceed with the preparation of a draft ordinance for the mandatory annual maintenance of alternative wastewater systems to be presented to the Boards at a later date for consideration of adoption.

TLAC Environmental Committee  
Recommendation  
Individual Alternative Wastewater Systems

Individual Alternative Wastewater Systems are small wastewater pretreatment systems that are meant to pretreat wastewater prior to its going to the drainfield. They can be large systems, but this review was focused on small systems that are designed for one-to a few homes.

The reason that the Environmental Committee became interested in these systems is that developers have begun to use these systems in large numbers in some new subdivisions where the ground will not perk for a septic system. With the recent rise in land prices around Smith Mountain Lake, this trend has shown up in several subdivisions where public sewer systems are not available. Generally, the developers have recently installed mass alternative wastewater treatment systems in these cases and the Virginia Department of Health and local regulations are in place to insure that the systems are operated safely. In other cases, the developers have

refused to install central systems, and have installed multiple individual systems. In the case of smaller systems intended for individual and a few homes, the manufacturers recommend annual or semi-annual maintenance of the systems, but there is no system in place to insure that this needed maintenance takes place. The maintenance is beyond the normal homeowner's capabilities without some extensive training.

A meeting of local and state level health officials and the Environmental Committee was held at the end of June, as well as another follow-up meeting, to look at this situation. The professional health people all felt that a mandatory annual maintenance program should be implemented for these systems, and that the mass deployment of the systems in subdivisions was a potential problem, although the State currently approves the practice. There was an attempt by the group to determine a recommended percentage of individual systems that could be implemented before it would become preferable to utilize a mass centralized system, but that was unsuccessful. The group's feeling was that the counties could implement whatever requirement for how few or many would be allowed in a subdivision.

Based on this work, the TLAC Environmental Committee recommends that the three counties move forward with drafting an ordinance requiring mandatory annual maintenance by a licensed contractor of small individual alternative wastewater systems. At the same time they may want to limit the mass deployment of these systems in subdivisions.

The Board concurred with the request to draft an ordinance, but cautioned the committee to examine maintenance requirements and to explore who would be the accountable agency that would regulate such systems. Furthermore, the allowance of mass deployment of such systems in subdivisions should be confirmed.

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**VACO VOTING CREDENTIALS FOR THE ANNUAL BUSINESS**

Richard E. Huff, II, County Administrator, advised the Board the 2006 Annual Business Meeting of the Virginia Association of Counties will be held on Tuesday, November 14 at The Homestead in Bath County. The Board needs to certify a Board member to vote at the Annual Business Meeting.

**(RESOLUTION #14-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Charles Poindexter, Union Hall District to vote at the VACO Annual Business Meeting scheduled for November representing Franklin County.

MOTION BY: Russ Johnson  
SECONDED BY: Charles Wagner  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**2007 LEGISLATIVE PACKAGE**

Each year, Franklin County sets a listing of those legislative issues most important to it and presents its concerns to our area legislators. With the General Assembly convening on January 10, 2007, this year's pre-filing deadline for drafting new legislation by Legislative Services is December 11, 2006.

Submitted is a copy of the Legislative issues recommended by the Tri-County Lake Administrative Commission (TLAC) for the Board's consideration. Also submitted is a copy of last year's (2006 session) Legislative Package excluding the TLAC requests from last year. Lastly, VACO's DRAFT Legislative package is included for review as to issues that VACO Steering Committees will be taking to the annual meeting for consideration in November.

**RECOMMENDATION:**

Staff recommends that the Board review the material provided as well as other potential legislative concerns and provide them to the County Administrator by November 3<sup>rd</sup>. Staff will compile the suggested issues, research them as appropriate and package a draft platform for consideration on November 21, 2006. Staff also requests that the Board determine what forum they would like to use to convey their requested platform to our area legislators. If a meeting is to be established, staff recommends that plans begin immediately to get a date set for the exchange.

At last week's meeting of the Tri-County Lake Administrative Commission's Board of Directors, the following legislative items were approved for consideration by the three Counties surrounding Smith Mountain Lake.

TLAC respectfully requests that Bedford, Franklin and Pittsylvania County approve the inclusion of these six requests in their 2007 Legislative Programs. A copy of each request is enclosed.

*The items recommended by the TLAC Board for inclusion are:*

- **\$100,000 for Maintenance and Improvements to the Navigation Aid System at Smith Mountain Lake**
- **\$50,000 for the Smith Mountain Lake Water Quality Monitoring Program**
- **\$50,000 for the Implementation of the Virginia Invasive Species Management Plan aspects at Smith Mountain Lake**
- **Support for a Mandatory Boating Education Bill**
- **Pass-through of 100% of Boat Sales and Use Taxes to the Virginia Department of Game and Inland Fisheries**
- **Additional Funding for VDGIF for Enforcement Purposes**

**2007 General Assembly Appropriation Request from the  
Tri-County Lake Administrative Commission (TLAC)**

At Smith Mountain Lake

**to be made part of the Legislative Programs for  
Bedford, Franklin and Pittsylvania Counties**

The Tri-County Lake Administrative Commission (TLAC)  
*respectfully requests that the General Assembly appropriate  
the following budget request for two years.*

**\$100,000 for Conversion and Maintenance of the  
Navigation Aid System at Smith Mountain Lake**

The three counties (Bedford, Franklin and Pittsylvania) bordering Smith Mountain Lake currently carry the total responsibility for the navigation aids on the lake. They contribute approximately \$68,000.00 each year for the maintenance and improvements of the navigation system. This includes the cost of a maintenance contract as well as replacement costs for the supplies and equipment needed for maintenance. In addition, these funds allow for new installations that are determined necessary for improved boating safety.

Recently, the United States Coast Guard (USCG) has indicated that Smith Mountain Lake's navigation system must be upgraded to meet their standards. It is estimated that the cost of these improvements will exceed \$100,000.00. The navigation aid system was put into place and has been maintained and improved annually in an effort to enhance the safety of the boaters, including both tourists and residents, who utilize this body of water in the Commonwealth.

Smith Mountain Lake has more boating traffic than any other lake in Virginia. According to VDGIF records, boating traffic on Smith Mountain Lake has increased by more than 45% since 1995. This volume of boating traffic, combined with a substantial percentage of inexperienced boaters, makes it important to have the best possible navigation system.

Currently, there are 153 channel markers, 6 lighted shoal markers, 57 unlighted shoal and rock markers and 18 AC lights on Halesford Bridge. There are 302 signs identifying the markers. Installation of additional markers is expensive. The signs will need to be converted to meet the USCG standards. Additionally, the self-contained solar units utilized on the lighted markers must be replaced approximately every three years. The locations of these markers are noted on the two boating maps that are produced for Smith Mountain Lake.

Additionally, an annual contract for the normal maintenance of all markers has typically run about \$25,000.00. Funds are also needed for repairs due to unreported accidents, vandalism and acts of nature. During 2005 and 2006, 5 channel markers were knocked down and were replaced. In



addition, 21 shoal markers were damaged and required replacement. These damages, resulting generally from hit and run accidents, are costly to repair. TLAC has no way of recovering the costs of these repairs.

With the increasing reliability that is placed on GPS readings by the Virginia Department of Game and Inland Fisheries (VDGIF), USCG, Virginia Counties, emergency personnel, as well as boaters in general, this office has developed a database of all of the markers on SML. This database includes the physical location of every approved marker on Smith Mountain Lake, the GPS coordinates and all other pertinent information about the marker. The information from this database and the subsequent distribution to VDGIF resulted in this office receiving recognition from VDGIF for having the most complete record of navigation markers for any lake in the Commonwealth.

The General Assembly appropriated \$20,000.00 each for 2000 and 2001 to assist in upgrading and maintaining this navigation system. These funds resulted in the installation of twenty-five (25) markers being added to the navigation system and assisted with the conversion to self-contained solar units for all lighted markers. The conversion of the navigation system to meet USCG standards and the continued maintenance of the navigation markers play a major role in keeping Smith Mountain Lake safe for boaters during the day and at night.

*In summary, the conversion of the Smith Mountain Lake navigation aid system to meet USCG standards is necessary to ensure that we meet federal standards. The amount of boat traffic on Smith Mountain Lake is immense. An appropriate and well-maintained navigation aid system is imperative for the safety of residents and visitors alike. Additional funds are needed to assist with the required conversion and the maintenance of the navigation system. A two-year appropriation in the amount of \$50,000.00 annually is respectfully requested.*

**2007 General Assembly Appropriation Request from the  
Tri-County Lake Administrative Commission (TLAC)**

At Smith Mountain Lake

**to be made part of the Legislative Programs for  
Bedford, Franklin and Pittsylvania Counties**

The Tri-County Lake Administrative Commission (TLAC)  
*respectfully requests that the General Assembly appropriate  
the following budget request.*

**\$50,000 for the Smith Mountain Lake  
Volunteer Water Quality Monitoring Program**

The Water Quality Volunteer Monitoring Program is administered by the Smith Mountain Lake Association (SMLA) and Ferrum College scientists. This program has been in existence since 1987. The three counties bordering the lake (Bedford, Franklin and Pittsylvania) assist by providing funds for this program.

The purpose of the program is to monitor trends to the trophic status of Smith Mountain Lake. Over 75 volunteers collect water samples from the lake and measure water clarity for twelve weeks each summer. Ferrum students and staff analyze the samples for chlorophyll A and total phosphorus. Other water samples are taken throughout the summer by the Ferrum students and scientists to detect the presence of fecal coliform bacteria in lake waters. This program was recently expanded to include measurements of dissolved oxygen, temperature, ph and conductivity.

A successful partnership has been established, and the program provides data that determines the rate of aging of the lake. The program, which is one of the largest in Virginia, also serves as an educational tool for citizens, organizations, and other government agencies. It is used as a model for other volunteer water monitoring programs across the nation.

Smith Mountain Lake is vital to the economic health of a three county portion of the Commonwealth. Investments in preserving the health of the lake will, in turn, protect the economy of the Commonwealth. This program has been made possible in the past through appropriations from the Department of Environmental Quality, passing through the Tri-County Lake Administrative Commission. A two-year appropriation was made in 2001 for \$36,500

annually. A one-year appropriation was made in 2005 for \$20,000.00. A two-year appropriation was made in 2006 for \$20,000 annually.

The continuance of the Water Quality Monitoring Program at Smith Mountain Lake will provide critical baseline data. In 1999, Smith Mountain Lake became a source for public water for Bedford County. That service has been expanded. In 2005, it also became a source of public water for Franklin County. Franklin County is currently requesting approval for additional withdrawals, as well as consideration of a treatment plant. Also under consideration is the possibility that Roanoke County may also elect to use Smith Mountain Lake for public water as well. An appropriation in the amount of \$50,000 is respectfully requested.

*We respectfully request that \$50,000 be allocated for the Smith Mountain Lake Water Quality Monitoring Program.*

**2007 General Assembly Appropriation Request from the  
Tri-County Lake Administrative Commission (TLAC)**

At Smith Mountain Lake

**to be made part of the Legislative Programs for  
Bedford, Franklin and Pittsylvania Counties**

The Tri-County Lake Administrative Commission (TLAC)  
*respectfully requests that the General Assembly appropriate  
the following budget request.*

**\$50,000 for the Implementation of Initiatives of the  
Virginia Invasive Species Management Plan**

In July of 2003, the Virginia Invasive Species Council was established to serve as a policy council in the executive branch of government. This Council was established to provide state leadership regarding invasive species and has prepared an Invasive Species Management Plan for the Commonwealth. Their purpose was to encourage planning and action at local, state, and regional levels for achieving the goals and objectives of the management plan. This Council was intended to have the authority to implement the state's activities in regards to invasive species. Unfortunately, the Council was discontinued after July, 2006.

The Invasive Species Management Plan which was prepared by the Council has been adopted. It was developed to provide guidance to state agencies on the prevention and control of invasive species. An information-sharing system for exchange of information concerning invasive species was begun through the efforts of this Council. Although the Council is no longer in place, the Invasive Species Management Plan it prepared provides guidance for local and state agencies that will assist in the prevention and control of invasive species. A proactive approach utilizing portions of the Management Plan is possible. Smith Mountain Lake is in an excellent position to take this proactive approach.

The term invasive species includes non-native vegetation, animal or microbial species that cause, or are likely to cause, economic or ecological harm or harm to human health. Smith Mountain Lake has been concerned with invasive aquatic vegetation for the past few years. In 2002, local funds were spent for a lake wide survey to determine the extent of the invasive vegetation problem at Smith Mountain Lake. This survey resulted in the determination that 41% of the shoreline had submersed aquatic vegetation. In an attempt to keep the invasive vegetation under control, it will be necessary to continually perform surveys and treat the invasive vegetation. A partial survey was completed in 2003, 2004 and 2005. Another full lake survey is currently underway.

The Tri-County Lake Administrative Commission, the residents and visitors of Smith Mountain Lake, and the three counties bordering the lake appreciate the efforts of the Virginia Invasive Species Council. We are aware, through our research, that it is necessary to take a proactive approach to dealing with invasive species. We are also aware that this proactive approach will not be an inexpensive endeavor.

*We respectfully request that \$50,000 be allocated for the implementation of portions of the Invasive Species Management Plan at Smith Mountain Lake.*

**2007 General Assembly Request from the  
Tri-County Lake Administrative Commission (TLAC)**

At Smith Mountain Lake

**to be made part of the Legislative Programs for  
Bedford, Franklin and Pittsylvania Counties**

The Tri-County Lake Administrative Commission (TLAC)  
*respectfully requests that the General Assembly  
consider the following request.*

**Approval of a Mandatory Boating  
Education Bill for the Commonwealth**

The Tri-County Lake Administrative Commission (TLAC) respectfully requests that the General Assembly approve mandatory boating safety education for the Commonwealth. Smith Mountain Lake, one of the Commonwealth's major tourist attractions, is a body of water with more than 20,000 acres. This lake attracts a large number of tourists and visitors each year, as well as is home to thousands of residents.

The inexperience of many boaters on this lake has led to accidents throughout the years, including fatalities. We strongly recommend that the General Assembly approve the adoption of a bill which would make boating safety education mandatory. Such a bill has been introduced by Delegate Kathy Byron and is referred to as HB 1627.

The following is a summary of the proposed bill, HB1627:

**Mandatory boating safety education; civil penalty.** A \$250 civil penalty for anyone operating a motorboat without having successfully completed an approved boating safety education course. The education requirement will be phased-in so that by July 1, 2016, all motorboat operators will have been required to complete and pass the course or an equivalency exam. The Board of Game and Inland Fisheries shall be directed to develop and administer the mandatory boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination, possessing a valid license issued to maritime personnel, etc.

*We respectfully request that in an effort to assist in making visiting Virginia waters safer, that a mandatory boating safety education bill, such as HB 1627, be approved for the Commonwealth.*

**2007 General Assembly Appropriation Request from the  
Tri-County Lake Administrative Commission (TLAC)**

At Smith Mountain Lake

**to be made part of the Legislative Programs for  
Bedford, Franklin and Pittsylvania Counties**

The Tri-County Lake Administrative Commission (TLAC)  
*respectfully requests that the General Assembly appropriate  
the following budget request.*

**Pass-through of 100% of Boat Sales and Use Taxes  
to the Virginia Department of Game and Inland Fisheries**

The Tri-County Lake Administrative Commission respectfully requests that the General Assembly provide 100% of the watercraft sales and use taxes to the Virginia Department of Game and Inland Fisheries.

Through the current Appropriations Act, the Virginia Department of Game and Inland Fisheries receives \$6 million generated by those taxes. It is our understanding that the total revenue generated through the watercraft sales and use tax exceeds \$7 million. Thus, only approximately 80% of these taxes are transferred to the Virginia Department of Game and Inland Fisheries. The

additional transfer of the remaining 20% of these tax revenues would assist the Department with actively enhancing boating safety throughout the Commonwealth, including Smith Mountain Lake.

*We respectfully request that 100% of the watercraft sales and use taxes be provided to the Virginia Department of Game and Inland Fisheries for utilization in their enforcement of boating regulations.*

**2007 General Assembly Appropriation Request from the  
Tri-County Lake Administrative Commission (TLAC)**

At Smith Mountain Lake

**to be made part of the Legislative Programs for  
Bedford, Franklin and Pittsylvania Counties**

The Tri-County Lake Administrative Commission (TLAC)  
respectfully requests that the General Assembly appropriate  
the following budget request.

The Tri-County Lake Administrative Commission (TLAC) respectfully requests that the General Assembly provide additional funding to the Virginia Department of Game and Inland Fisheries (VDGIF) for enforcement purposes. This additional funding will enable the Department to actively enhance boating safety through the enforcement of regulations already in place for Smith Mountain Lake including the no discharge zone, and of regulations yet to be approved for the lake. Additional funding could also intensify the enforcement of the no discharge zone regulation at Smith Mountain Lake which is a water quality and human health concern.

**Additional Funding for the Virginia Department  
of Game and Inland Fisheries to provide fully staff the  
authorized game wardens for the area to allow for necessary  
enforcement to enhance boating safety at Smith Mountain Lake  
and enforcement of the No Discharge Zone Regulations**

The boating traffic on SML has grown tremendously over the past several years. The number of boating incidents at Smith Mountain Lake is abysmally high. During 2004 and 2005, the accidents reported by VDIGF for Smith Mountain Lake were the highest in the region. Unfortunately, several of these incidents resulted in fatalities. Regulations currently in place, which provide for the safety of boaters and swimmers, residents and visitors alike, are often disregarded. Although this concern cannot be alleviated by only one action, it is clear that additional law enforcement on the lake would be beneficial.

SML has 153 lighted channel markers and 63 shoal and rock markers. The purpose of these markers is to improve the safety of boaters. However, the markers alone are not enough. It is imperative that actions be taken, and funding be provided for enforcement, to insure that all boating regulations are observed.

SML includes 20,600 acres with 500 miles of shoreline. The majority of the lake is narrow and curvy. It is extremely apparent that many boaters (including those on personal watercrafts) are ignoring the laws regarding safety. Specifically the 50' rule which does not allow for a wake within 50' of shore or dock, is being grossly disregarded. This continues to cause a very dangerous situation, specifically for swimmers and residents/visitors on docks.

*Without the necessary funding for enforcement, boaters will continue to disregard the boating regulations currently in place. The number of accidents and the high number of summons given at SML these past few years confirms the need for additional measures to be taken for the protection of all who utilize Smith Mountain Lake.*

During the 2004 General Assembly session, the no discharge regulations were made more comprehensive. Adherence to these regulations is essential for health purposes and for the water quality of the lake.

*We respectfully request that the necessary appropriations be made to ensure that the Virginia Department of Game and Inland Fisheries is provided additional funding for the purpose of providing adequate enforcement of boating regulations currently in place and those to yet be approved, at Smith Mountain Lake.*

**2006 Legislative Agenda  
Franklin County Board of Supervisors**

**1. Support Legislation to Amend § 15.2-2298 Same; additional conditions as a part of rezoning or zoning map amendment in certain high-growth localities.**

A mechanism should be developed to allow for a governing body to accept amended proffers after a public hearing has begun if the proffers do not materially affect the overall proposal. Legislative Services is requested to develop the appropriate language.

In any such locality, notwithstanding any contrary provisions of § [15.2-2297](#), a zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions, prior to or during a public hearing before the governing body, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a rezoning or amendment to a zoning map, provided that (i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the comprehensive plan as defined in § [15.2-2223](#).

**2. Amend state code to provide for a rollback period of 10 years rather than the current 5 years when property changes use that has been in the County's Land use program.**

For those who place land in land use yet are truly speculating for profit on holding the land, the current 5 year rollback provision is not a sufficient deterrent. Amending § 58.1-3237. *Change in use or zoning of real estate assessed under ordinance; roll-back taxes* to require a 10 year roll back period is appropriate.

B. In localities which have not adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax for each of the ~~five~~ ten-most recent complete tax years including simple interest on such roll-back taxes at a rate set by the governing body, no greater than the rate applicable to delinquent taxes in such locality pursuant to § 58.1-3916 for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value.

3. Support a permanent funding source for Purchase of Development Rights programs as developed by the Virginia Ag Vitality Program.
4. Oppose unfunded mandates and call for full state funding of existing obligations.
5. Oppose any efforts to limit local government taxing authority without new taxing authority and/or increased state funding to Counties.
6. Support stronger VDGIF presence on SML, including the location of a VDGIF facility on SML.
7. The Submitted Initiatives from the Tri-County Lake Administrative Commission (See Attachment 1)
8. Request the General Assembly to fully fund the costs of the Comprehensive Services Act or allow localities to cap their expenditures.

9. Request that the State specifically authorize Low Impact Development (LID) in state code and request that DCR develop state guidelines for LID in their E&S regulations and develop model LID ordinance for counties.

10. Request JLARC study of E&S in areas other than agriculture, since agriculture is being addressed via TMDL and other federal and state programs. The study should especially include how to get the nonpoint and point runoff decreased from homes, shopping centers, driveways, construction, schools, and highways (VDOT effectiveness). Etc.

11. Request the state to provide a specific revenue stream for Purchase of Development Rights (PDRs) by local governments.

Board will discuss during their November 21<sup>st</sup>, Board meeting.

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### **ROAD ABANDONMENT**

Richard E. Huff, II, County Administrator, will bring this back during the November meeting.

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### **SPACE UPDATE**

Richard E. Huff, II, County Administrator, shared with the Board an update of the 3<sup>rd</sup> floor of the Virgil H. Goode Building space needs. Mr. Huff advised the Board the Registrar needed temporary space for them to use for absentee voting (P & Z space for Registrar) and the Sheriff's office will occupy the former space of Planning and Zoning. The Board stated firmly this space would be used only on a temporary basis for the Registrar and would also be used as a conference room.

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### **OTHER MATTERS BY SUPERVISORS**

#### *Transportation Safety Commission – 4-Year Term*

- Gills Creek, Boone, Union Hall & Rocky Mount Districts Expires (8/18/2006)

#### **(RESOLUTION #15-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Tom Newbill (Gills Creek District) and John Spidel (Rocky Mount District) to be reappointed to the Transportation Safety Commission with said terms to expire August 18<sup>th</sup>, 2010.

MOTION BY: Charles Wagner

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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#### *Southern Area Agency on Aging – 3-Year Term*

- Unexpired Term of Wesley Nelson (12/31/2006)

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#### *Western Va. Regional Jail Authority – 1-Year Term*

- (1 Board & 1 Administrative Position) Expires (12/31/2006)

#### **(RESOLUTION #16-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Charles Wagner, Board Representative (Wayne Angell, Alternate) & Christopher Whitlow Administrative Representative (Rick Huff, Alternate) to serve on the Western Virginia Regional Jail Authority with said term to expire 12/31/2007.

MOTION BY: David Hurt

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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#### *West Piedmont Planning Commission Board – 1– Year Term*

- (2 Board Appointments) Expires (12/31/2006)

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David Hurt, Boone District Supervisor

- Clements Mill Bridge – Mr. Hurt stated he had no further information to share at this time. Will discuss further.

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**CLOSED MEETING**  
**(RESOLUTION #17-10-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel, and a-3, Acquisition of Land, of the Code of Virginia, as amended.

MOTION BY: Charles Wagner

SECONDED BY: [c2] Charles Poindexter

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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MOTION: Charles Wagner

**RESOLUTION: #18-10-2006**

SECOND: Leland Mitchell

MEETING DATE October 17<sup>th</sup>, 2006

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

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Chairman Angell adjourned the meeting.

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W. WAYNE ANGELL  
CHAIRMAN

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RICHARD E. HUFF, II  
COUNTY ADMINISTRATOR